

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-18 remain pending in the application. New claim 19 has been added.

Claims 1-18 are rejected under 35 USC §103(a) as being unpatentable over *Rebane* (U.S. 7,013,285). Applicant respectfully traverses the rejection for the reasons discussed below.

The Examiner fails to establish the prima facie case of obviousness, because *Rebane* fails to teach or suggest all of the limitations of claim 1.

Rebane fails to teach or suggest "reducing the attribute set to a manageable number of demand drivers that represent the attribute in terms of customer desires and supplier delivery with pre-scores for each driver." Notwithstanding the Examiner's assertion that "col. 10, lines 44-65; col.11, lines 19-40; Figure 5a-6b" teaches the above limitation, the content of *Rebane* appears to be irrelevant to "reducing the attribute sets to a manageable number of demand drivers." In fact, Fig. 5a – 5c illustrates monthly average values of each attribute included in the customer survey data, Fig. 5d – 5e illustrates average values of each attribute for all customer survey data, and Fig. 6a – 6b illustrates different levels of customer satisfaction corresponding to different prices that the customers paid. The attributes as illustrated in Fig 5 are identical to the attributes shown in Fig. 1, and this means that the number of attributes has never been reduced. Thus, *Rebane* fails to teach or suggest "reducing the attribute set to a manageable number of demand drivers that represent the attribute in terms of customer desires and supplier delivery with pre-scores for each driver."

Rebane fails to disclose or suggest "creating three identically scaled tables from the pre-scores for customer desires, supplier delivery and dollars paid that calculate an indexed score." Fig. 6b merely illustrates different levels of customer satisfaction corresponding to different prices that the customers paid. *Rebane* fails to teach or suggest creating scaled tables from the pre-scores for customer desires and supplier

delivery.

Rebane fails to teach or suggest "clustering groups of customer using the indexed scores of demand drivers and dollar paid." In fact, *Rebane* discloses a method for producing fast survey results with small data samples that are stabilized for immediate interpretation, and remain valid overtime. As described on column 18, lines 35-60 of *Rebane*, a data stabilizer is specifically presented. The core process of *Rebane* is using online surveys and various statistical analysis (primarily Bayesian estimates in the *Rebane* EKF) to determine a customer's rating of a supplier. In comparison, the method of claim 1 includes producing a customer segmentation based on non-small data sets that statistically show what a customer within each segment is willing to pay. Nowhere does *Rebane* teach or suggest segmentation of the customers or grouping of the customers.

Rebane fails to teach or suggest "generating the 3-D customer demand rating of each segment based on desire, delivery and dollar." In fact, *Rebane* does not identify any relationship between the price paid by a customer and any of the 5, 10 or N attributes collected in the survey. Although *Rebane*, in *Figure 1A* illustrates an option block, "Total Dollar Value", but does not teach or suggest using data collected from the that "Total Dollar Value" field for statistical analysis. Similarly, the customer expectations data fields, collected from option block as shown in *Fig. 1c* of *Rebane*, are not used in the output/results. Additionally, *Rebane* does not teach or suggest any process or software module that comparing customer expectation data to total dollar value. Thus, *Rebane* is irrelevant to the 3-D demand rating, as recited in claim 1. Applicant respectfully submits that the 3-D Demand Rating, finds numerical support from the Specification of the present application, using "Dollars" and "Desires" together with "Delivery" to provide a 3-Demantional analysis of customer segmentations, and is not taught or suggested by *Rebane*.

Rebane fails to teach or suggest "building an illustrating profiles corresponding to the 3-D customer demand rating through an output." Notwithstanding the Examiner's assertion, *Fig. 18* of *Rebane* is irrelevant to demand rating. In fact, *Rebane* merely discloses a customer satisfaction rating corresponding to different product prices.

The limitation, "generating the 3-D customer demand rating of each segment based on desires, delivery and dollars," is not taught or suggested by *Rebane*. *Rebane* merely discloses providing data analysis based on customer satisfaction and product prices. The output/results of the *Rebane* method is an analysis at the merchant level as well as a summary level to predict likely future performance, based on small sets of input data collected during customer survey. *Rebane* does not perform an analysis across the data sets. According to the 3-D Demand Ratings as recited in claim 1, a cross data sets analysis is performed to create a set of distinct segments based on what a customer desires and the dollars they are willing to pay for those desires.

In addition, Applicant respectfully submits that *Rebane* fails to suggest the motivation to combine the customer desires and delivery attributes in the customer satisfaction and using "Dollars" and "Desires" together with "Delivery" to provide a 3-D analysis for customer segmentations is not within the knowledge of ordinary skilled person in the art.

Based on the above reasons, *Rebane* fails to disclose, teach or suggest all of the limitations recited in claim 1. Accordingly, the rejection of claim 1 should be withdrawn.

Claims 2-8 and 13-18 recite additional, important limitations and should be patentable for the reasons discussed above with respect to claim 1 as well as on their own merits. Accordingly, the rejection of claims 2-8 and 13-18 should be withdrawn.

Independent Claim 9 recites similar limitations as claim 1 and should be patentable for the reasons discussed above with respect to claim 1 as well as on its own merits. Accordingly, the rejection of claim 9 should be withdrawn.

Claims 10-12 recite additional, important limitations and should be patentable for the reasons discussed above with respect to claim 9 as well as on their own merits. Accordingly, the rejection of claims 10-12 should be withdrawn.

New claim 19 recites similar limitations as claim 1 and should be patentable for the reasons discussed above with respect to claim 1 as well as on its own merits. More particularly, the limitation recited in claim 19, "creating three identically scaled norms tables from the pre-scores for customer desires, supplier delivery, and dollars that the customers willing to pay and calculating corresponding indexed scores for each

demand driver in terms of the customer desires, supplier delivery, and dollars that the customers willing to pay" is not disclosed, taught or suggested by *Rebane*.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

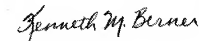
Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in cursive script that reads "Kenneth M. Berner".

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